

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD.**

**WRIT PETITION NO. 11022 OF 2014.**

**DISTRICT : AHMEDNAGAR**

The Association of the Management of  
Unaided Engineering Colleges (Mah.) & ors. ...**PETITIONERS.**

**VERSUS**


The State of Maharashtra  
Others.

...**RESPONDENTS.**

**INDEX**

Sr. No.	Particulars	Exhibit	Page No.
1	Memo of Writ Petition	--	1 To 24
2.	List of documents.	--	25 To 25
3.	Copy of public notice.	"A"	26 To 26
4.	Copy regulation 2010-2011.	"B"	27 To 38
5.	Copy of detail chart.	"C"	39 To 41
6.	Copy of notification by the Director dtd.13.5.2014	"D"	42 To 43
7.	Copies of G.R. dated 3.7.2014 & 14.7.2014	"E"	44 To 78
8.	Copy of orders passed in Writ Petition No.5816/2014 dtd.9.7.2014.	"F"	79 To 97
9.	Copy of rules for admissions for Engineering Courses.	"G"	98 To 102
10.	Copy of judgment and order dated 9.9.2014 & 15.9.2014 in W.P. No.5190/2013	"H"	103 To 150
11.	Copy of representation dated 29.10.2014	"I"	151 To 154
12.	Copy of various government resolutions issued from time to time regarding application for free reimbursement.	"J"	155 To 190
	Last Page		<b>190</b>

Date : 02/12/2014.  
Place : Aurangabad.

  
**(N.B. KHANDARE)**  
Advocate for the petitioners.

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**SYNOPSIS**

The petitioner is aggrieved by clause 14 of impugned Government Notification dated 03-7-2014 & 14-7-2014 issued for the approval of new bachelor courses/ post graduate degree/ post graduate diploma, variation in intake and for starting institutions for the academic year 2014-2015. The clause contemplates that, the fee reimbursement facility will not be applicable to the reserved category students admitted in the newly established institutions or newly started courses in the existing institutions in the academic year 2014-15. The consequence of insertion of this clause is that the students from reserved category would not be in a position to exercise option in respect of College who have not been assigned general admission code and would not be entitled for benefit of reimbursement of fees.

1. Dates and events.

Sr. No.	Dates	Events
1	13/5/2014	The AICTE by its advertisement invited applications for grant of approval for new institutions, additional courses, increase in intake and variation in intake etc.
2		Members of first petitioner submitted applications to AICTE online within stipulated time.

3	13/5/2014	DTE published a notification and informed to the applicant institutions/ colleges to submit complete information online on the official website of DTE as submitted to AICTE. The dates of hearing were also mentioned in the notification and Principal of the concerned college was asked to remain present with records.
4.		The AICTE has considered the applications submitted by the respective institutions/ colleges and granted approvals for the academic year 2014-15 for opening of new college, increase in intake in existing college, opening of new courses in existing colleges etc. as per exh.-C.
5.		The government had published rules for admission to Engineering courses for the academic year 2014-15 namely rules for admission to Ist year degree courses in Engineering/ Technology in government, government aided and unaided engineering institutes in Maharashtra State.
6.		The rules inter-alia provides reservation for backward class category candidates and the percentage to each category is also mentioned therein.
7		The institutions/ colleges are compulsorily require to follow the reservation percentage while granting admissions to students. Almost 65%



		students are required to be admitted from various reserved categories including economical backward classes.
8		The admissions are granted to the students through Centralized Admission Process (CAP) and the list of students, who were qualified in CET were forwarded to the colleges for granting admissions and admissions are granted only to the students, who come from CAP.
9	2006-07	The fee reimbursement policy is applied to the private unaided engineering colleges thereby the government reimburse fee to the college against students of reserved category admitted in the college. The college is not entitled to charge fees to the students.
10	3/7/2014 14/7/2014	The government issued G.R.s granting approvals to the colleges approved by the AICTE. Clause 14 of G.R. contemplates that, fee reimbursement facility will not be applicable to the reserved category students admitted in the newly established institutions or newly started courses in the existing institutions to whom approval is granted by the said government resolutions for the academic year 2014-15. Clause 14 further stipulates that, the colleges to which government has send negative recommendations and whose applications are not forwarded through

		government are not entitled for application of the same.
11.		By insertion of Clause 14 in Government resolutions the members of first petitioner association are directly affected because they have admitted students belonging to various reserved categories and EBC from the list forwarded by DTE, who were selected through CAP.
12		First petitioner association thereafter made detail representation to the respondents thereby requested withdraw Clause no.14 in the impugned government resolutions. Petitioners brought to the notice of respondents that, as per fees reimbursement scheme only qualification is that, students admitted from CAP are eligible to avail fee reimbursement facility. It was categorically pointed that, the member colleges have granted admissions to the students of reserved category and EBC only through CAP. However, no action is taken on the representation.
		Hence this Writ petition.

**POINTS TO BE CONSIDERED:**

1. Whether impugned Clause 14 is arbitrary, unreasonable and violates provisions of Article 14 & 19 (1)(g) of Constitution of India.

